

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

Case No. S-2755

PETITION OF PATRICIA A. HOLTZ

OPINION OF THE BOARD

(Opinion Adopted December 9, 2009)
(Effective Date of Opinion: January 7, 2010)

Case No. S-2755 is an application for a special exception to permit an accessory apartment. The subject property is Lot 26, Block 11, Williamsburg Village Subdivision, located at 4005 Queen Mary Drive, Olney, Maryland 20832 in the R-200 Zone. The Hearing Examiner for Montgomery County held a public hearing on the application on October 29, 2009, closed the record on that date, and on November 24, 2009, issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **Granted**, Subject to
Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on December 9, 2009. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. Petitioner is bound by her testimony and exhibits of record to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and Recommendation and in the Board's opinion.
2. The accessory apartment may be inhabited by no more than two people.
3. Petitioner must make the correction identified in DHCA's inspection memo, Exhibit 14: installing a double-cylinder dead bolt lock on the side entrance door (with a thumb turn latch on the inside).

4. The subject property must be maintained in good condition, including upkeep of the landscaping and maintaining the exterior free of trash and debris.
5. Per Code § 59-G-2.00(b)(1), Petitioner must occupy one of the dwelling units on the subject property.
6. Per Code § 59-G-2.00(b)(3), Petitioner must not receive compensation for more than one dwelling unit on the subject property.
7. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits or use-and-occupancy permit, necessary to implement the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and facility comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by David K. Perdue, Vice-Chair, seconded by Carolyn J. Shawaker, with Stanley B. Boyd and Catherine G. Titus, Chair, in agreement and Walter S. Booth necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 7th day of January, 2010.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.